IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 20TH JULY 2006 / 29TH ASHADHA,1928

Bail Appl..No. 4345 of 2006

(CRIME NO.23/2002 OF TIRUR EXCISE RANGE)

PETITIONER

MANIKANDAN, AGED 30 YEARS,
S/O.KUTTIKRISHNAN, AMALATHU VEEDU,
VETTOM, VEVANNA, MALAPPURAM DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM.

2. EXCISE INSPECTOR,
TIRUR EXCISE RANGE, MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4345/2006

DATED THIS THE 20TH DAY OF JULY, 2006

O R D E R

The petitioner is the accused in C.R.No.23/2002 of Tirur Excise Range. He was found in illegal possession of 1060 liters of wash, on 26.11.2002. But he could not be arrested, as he escaped from the place of occurrence, when the Excise party came to the scene of occurrence. The learned Public prosecutor submitted that the petitioner had been absconding thereafter, and he could not be arrested. The name of the person had been finding place in the records, that had been prepared by the Excise authorities.

2. The learned Prosecutor had brought to my notice, that the investigation is complete and final report had been filed. Because of the continuous absconding of the accused, the case is included in the L.P.register and a non bailable warrant was issued. It is at this stage, the petitioner is before this Court, under Section 438 Cr.P.C.

3. In the above facts situation, I direct the petitioner to surrender before the Judicial Magistrate of First Class, Tirur, on 27.7.2006 at 11.00 a.m., and move an application for bail, in which event the learned Magistrate shall go through the records, hear both sides and pass appropriate orders, as per the law. If the copy of the application is given well in advance to the APP, the order shall be passed on the same day itself.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs